


# **Proposed Changes to the NR 700 Rule Series**

**Mark Gordon**

Bureau for Remediation &  
Redevelopment  
Wisconsin DNR  
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# General Information

- The NR 700 Rule Series changes includes 22 separate rules.
- This presentation will cover 7.
- The draft rules along with a summary of the major changes and other supporting documents are available on our web page.

# NR 700 – General Requirements

- Added definitions on “vapor action level” and “vapor risk screening level”.
  1. Using a  $10^{-5}$  cancer risk action level or a hazard index of 1 for non-carcinogens.
  2. Screening levels will be based on EPA attenuation factors.
- Removing the “Simple Site Process”.
- Requiring semi-annual progress reports for all open sites.

# NR 716 – Site Investigation

- Deadlines added for beginning work and submitting documents in order to keep projects moving forward.
- Require better definition of the source areas.
- Additional details on reporting sampling results, especially to property owners.

# **NR 718 – Management of Contaminated Soil or Solid Waste Excavated During Response Actions**

- Sections 718.11, 718.13, and 718.14 are being consolidated into 1 new section .
- NR 718.12(1) covers those situations where DNR approval is not needed.
- NR 718.12(2) specifies the criteria that need to be met when contaminated soil is managed as part of a remedial action or interim measure.

# **NR 720 Soil Cleanup Standards - Proposed Changes**

- Removing Tables 1 & 2.
- Removing the GRO and DRO standards.
- Allowing the Enforcement Standard rather than the Preventive Action Limit when calculating soil standards protective of groundwater.

## NR 720 Changes (cont.)

- The actual land use (and not the expected use) will determine the appropriate land use classification.
- Language has been included to indicate that averaging soil sampling results may be appropriate.
- The default exposure assumptions have been modified to be consistent with EPA's new web based calculator.

## NR 720 Changes (cont.)

- DNR has developed draft guidance on using the new EPA web calculator.
- Also developed a spreadsheet which presents individual soil cleanup values using updated default exposure assumptions.
- When site data are entered, the spreadsheet will identify if either individual or cumulative risk levels are exceeded.



# NR 726 – Case Closure

- Breaking NR 726.05 (requests for case closure) into smaller sections based on topic.
- Creating 2 new rules:
  - NR 725 to cover pre-closure notifications requirements, and
  - NR 727 covers post-closure requirements.
- Incorporated the provisions of s. 292.12, Stats. by removing references to deed restrictions.

# NR 726 – Case Closure

- Several new provisions to address sites with vapor intrusion issues. DNR may require:
  - The installation of a vapor mitigation system.
  - Notification if the specific exposure assumptions relied on for closure change in the future.
  - Installation of building control technologies or further assessment if the potential for vapor intrusion exists on property where no building is present at the time of closure.

## **NR 746 – Risk Screening and Closure Criteria for Petroleum Contaminated Sites**

- Removing the technical language from the rule because high risk sites (DNR Lead) typically don't qualify for closure under ch. NR 746.
- Also removing Appendix A on the use of Statistical Tests for determining the effectiveness of natural attenuation.
- The responsibilities of DNR and the Department of Safety and Professional Services would be retained.

## NR 749 - Fees

- Fees have not been raised since Sept. 1998.
- Proposing an across-the-board increase of 40%, which represents about 2.5% per year.
- Added a provision giving RP's the option to pay an hourly fee for work specified in negotiated agreements.
- Reorganized the fee table by the type of assistance being requested.

# NR 700 Rule Series Schedule

- Received approval from the Natural Resources Board (NRB) to hold public hearings – January, 2012.
- Developed a draft Economic Impact Analysis (EIA) – Comments due February 29, 2012.
- Submit the rule and the EIA to the Legislative Council – April, 2012.

## NR 700 Rule Series Schedule (cont.)

- Send the EIA to DOA, the Governor, the Small Business Regulatory Review Board and the Chief Clerk of each house of the Legislature – April, 2012.
- Conduct public hearings – May, 2012.
- Request authorization from the NRB to finalize the rule – October, 2012.
- Legislative review – May, 2013.
- Rule effective – September, 2013.

# Questions?

